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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/696,627   | 10/25/2000  | Christopher J. Knotz | 2501494-991700      | 4383             |
| 29585  | 7590        | 02/06/2006           | EXAMINER            |                  |
| DLA PIPER RUDNICK GRAY CARY US LLP<br>153 TOWNSEND STREET<br>SUITE 800<br>SAN FRANCISCO, CA 94107-1907 |             |                      | HILLERY, NATHAN     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2176                |                  |

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                  |
|------------------------------|----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)     |
|                              | 09/696,627                 | KNOTZ ET AL.     |
|                              | Examiner<br>Nathan Hillery | Art Unit<br>2176 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 March 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-25,27 and 28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-25,27 and 28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed on 3/11/05.
2. Claims 1, 3 – 25, 27 – 28 are pending in the case. Claims 1, 18, 24, 25, and 27 are independent.
3. The rejection of claims 1, 3 – 25, 27 – 28 under 35 U.S.C. 103(a) as being unpatentable has been withdrawn as necessitated by amendment.

#### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/05 has been entered.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8, 9, 11 – 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harned et al. (US 6847800 B2) and further in view of Anuff et al. and Ferrel et al. (both cited by Applicant).

2. **Regarding independent claim 1**, Harned et al. teach that *the exercise modules that are viewable with the training system are preferably authored in an XML-based language, according to a Document Type Definition meeting the XML version 1.0 standard. Although XML offers a convenient format, other formats for the exercise modules are appropriate, including, for example, those which provide for text or documents or macros. The exercise module (such as an XML file for each exercise) then is essentially a script that includes the text description of each step, specifies the graphic illustration and multimedia content corresponding to each step, and specifies the expected results for each step in which the user's results will be tested. Appropriate feedback messages are also written into the exercise module (such as in an XML script) for both correct and incorrect completion (Column 3, lines 37 – 50), which provide that a content definition editor that receives a content definition including one or more data types and one or more parameters for each data type; a data structure generator that produces a content data structure, the content data structure corresponding to the content definition; a content item editor that receives content item information and provides the content item information for storage in the content data structure.* Harned et al. do not explicitly teach a **template editor or publisher**.... However, Anuff et al. do teach that *once a template has been created and has one or more styles associated with it, the styles can be retrieved for use in a page. Part of the API for the Template object includes methods for retrieving styles. Once retrieved, the API for the Style object allows the style to be executed, creating the desired portion of the user interface* (Column 15, lines 33 – 38), which provide for a

**template editor that generates formatting information for the content item information and stores the formatting information separately from the content item information.** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Harned et al. with that of Anuff et al. because such a combination would allow the users of Harned et al. the benefit of a *portal server that provides services ... that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67). Further, Ferrel et al. teach that *the publisher modifies one or more existing layout objects or adds one or more new layout objects... the publisher modifies or adds one or more content objects. At the completion of state 344, process 320 proceeds to state 332 wherein the project is released again. Releasing the updated project ensures that the proper set of layout and content objects are made available to the customer 160* (FIGS. 1 and 2) (Column 17, lines 18 – 28), which provides for **a publisher that generates a formatted output based on the content item information and the formatting information.** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Harned et al. and Anuff et al. with that of Ferrel et al. because such a combination would allow the users of Harned et al. and Anuff et al. the benefit of a *method of styling content in an electronic publishing system* (Column 4, lines 1 – 2).

3. **Regarding dependent claim 8, 9, and 11,** Harned et al., Anuff et al., nor Ferrel et al. explicitly teach **a naked browser or Internet Kiosk.** However it would have been obvious to one of ordinary skill in the art to use the combined invention to provide that

the content item editor is accessible through a naked web browser, that the content item editor is accessible through a public Internet kiosk, or that the content definition editor, the content item editor, and the template editor are each accessible through a naked web browser, since Anuff et al. do teach that *in essence, the computer system enables individual users of communication devices 10, including personal computers 10a, workstations 10b, web access devices 10c, and the like, to view informational content provided by various servers 12a-12n. The communication devices 10 are connected to the servers 12 by means of a suitable communications network 14, such as a local area network, a wide area network, the Internet, or the like.* To view the content provided by the servers, the devices 10 run a browser application 16. At the servers 12, the available content and services are stored ... in a format that is capable of being read by the browser applications, such as HTML or XML (Column 3, lines 2 – 17). Based on the teaching, the skilled artisan would interpret that the invention provides for the limited resources of a naked browser and an Internet kiosk.

4. Regarding dependent claim 12, Harned et al. do not explicitly teach a template editor. However, Anuff et al. do teach that both "templates" and "styles" can be created dynamically, as part of an administration user interface. This dynamic creation process involves the following general steps: define the template, by describing it to the administrative user interface; create the style's source code in a file, using whatever language and technique is appropriate to the deployment and to the types of templates to which the style will apply; define the style in association with a template; upload the style files to the portal web site (Column 15, lines 20 – 32), which provide that the

**template editor comprises a file import module that receives the formatting information and transforms the formatting information into a form that is compatible with the system.** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Harned et al. with that of Anuff et al. because such a combination would allow the users of Harned et al. the benefit of a *portal server that provides services ... that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67).

5. **Regarding dependent claims 13 and 14,** neither Harned et al. nor Anuf et al. explicitly teach **scheduler**. Ferrel et al. teach that *sophisticated customers may use other more advanced MPS features, such as search, scheduling, and automatic delivery... Besides browsing via the Explorer or scheduling automatic home delivery, there are several additional ways customers can obtain MPS applications. For example, an individual application may be distributed via floppy disk or CD-ROM 124, it may be distributed through E-mail or bulletin boards, or the application may be directly accessible via a link in other applications (such as the Microsoft Network yellow pages system)* (Column 9, line 65 – Column 10, line 10), which provide that **a publication scheduler that controls when a particular content item is published by the publisher according to a set of predetermined publication criteria** (home delivery) and that **the publication criteria are generated automatically in response to parameters** (inherently a location is chosen) **that are accessed from outside the system.** It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the inventions of Harned et al. and Anuff et al. with that of Ferrel et al. because such a combination would allow the users of Harned et al. and Anuff et al. the benefit of a *method of styling content in an electronic publishing system* (Column 4, lines 1 – 2).

6. **Regarding dependent claims 15 and 16**, Harned et al. teach that *preferably, the content is authored using an XML editor to match the Document Type Definition specific to the target system. It can include text descriptions which may also include hypertext links, commands to the subject software to activate tools, and markup tags* (Column 6, lines 3 – 7), which provide that **the formatting information comprises extensible mark-up language (XML) fragments and that the content item information refers to one or more different content items, thereby producing one or more links between the content items.**

7. **Regarding dependent claim 17**, Harned et al. do not explicitly teach **multiple databases**. Anuff et al. teach that *the portal server provides services through a library of object-oriented classes, such as classes in the Java programming language developed by Sun Microsystems, that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67), which provide that **the content item information is stored in multiple databases and is consolidated by the publisher**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Harned et al. with that of Anuff et al. because such a combination would allow the users of Harned et al. the benefit of a

*portal server that provides services ... that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67).

8. **Regarding independent claim 18**, the claims incorporate substantially similar subject matter as claims 1 and 17, and are rejected along the same rationale.

9. **Regarding dependent claim 19**, the claim incorporates substantially similar subject matter as claim 16, and is rejected along the same rationale.

10. **Regarding dependent claim 20**, the claim incorporates substantially similar subject matter as claim 8, and is rejected along the same rationale.

11. **Regarding dependent claims 22 and 23**, the claims incorporate substantially similar subject matter as claim 6, and are rejected along the same rationale.

12. Claims 3, 4, 7, 24, 25, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harned et al. (US 6847800 B2), Anuff et al. and Ferrel et al. (both cited by Applicant) as applied to claims 1, 8, 9, 11 – 20, 22, and 23 above, and further in view of Plantz et al. (as cited by Applicant).

13. **Regarding dependent claims 3, 4, and 7**, neither Harned et al., Anuff et al., and Ferrel et al. explicitly teach that **the content definition editor provides a blank content definition form to a user and receives the content definition from the user, and the data structure generator automatically produces the content data structure based on the content definition entered by the user**, that **the content item editor provides a content item form to a user, the form corresponding to the content data structure and accepting content items that correspond to the**

**content data structure, and that the content definition editor permits the content data structure to be changed after the content data structure has been created and after one or more content items have been stored in the content data structure.** Plantz et al. teach that *by selecting and highlighting the document 151, 152, 153 and selecting "View/Edit Document" 154, the GPS provides an publishing/editing control form 160 for the specific document. This form preferably comprises the following components: an indication of the current topic 161; an executable link to the current author's e-mail address 162; the name of the current or main author of the document 163; the name of the editor 164; an executable link to the assigned editor's e-mail address 165; a listing of the current document's subheadings or subsections for the author to select which document section is to be worked on 166; an option to "Edit a Section," 167 which, upon selection, executes the command and displays the selected document section to be edited; an option 168 to view the entire chapter in view-only mode; an option to "Spell Check" the selected section 169, selection of which opens the entire document for spell checking according to known algorithms; a selection 170 permitting the author to enter personal information such as their name, address, telephone number and similar data; 171 is a display of the date and time when the document was last modified; 172 displays the date on which the document was finally completed; 173, 174, 175, 176 are displays of the completion date of assigned aspects of the editing tasks associated with the document completion (for example, for a medically related document, these sections might include editorial signoffs by medical, pharmaceutical, grammatical and other experts, as well as signoff, for example, by an*

*executive editor.; editorial titles, naturally, vary with the project); 177 provides a link to one or more particularly desirable databases or search engines (for example, for a medically related document, having a live link to a Medline Search engine at this point is preferred; see FIG. 8 for one embodiment of the layout of these GPS functions)*

(Column 9, lines 35 – 67), which provide that **the content definition editor provides a blank content definition form to a user and receives the content definition from the user, and the data structure generator automatically produces the content data structure based on the content definition entered by the user, that the content item editor provides a content item form to a user, the form corresponding to the content data structure and accepting content items that correspond to the content data structure, and that the content definition editor permits the content data structure to be changed after the content data structure has been created and after one or more content items have been stored in the content data structure.** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Harned et al., Anuff et al., and Ferrel et al. with that of Plantz et al. because such a combination would allow the users of the combined invention the benefit of a *computer-based Group Publishing System (GPS) for enhancing collaboration between and among individuals who may be separated by distance and/or time* (Column 4, lines 64 – 67).

14. **Regarding dependent claims 24 and 25,** the claims incorporate substantially similar subject matter as claims 1 – 4, 11, and are rejected along the same rationale.

15. **Regarding dependent claims 27 and 28**, the claims incorporate substantially similar subject matter as claims 1 – 4, 11, and are rejected along the same rationale.

16. Claims 5, 6, 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harned et al. (US 6847800 B2), Anuff et al. and Ferrel et al. (both cited by Applicant) as applied to claims 1, 8, 9, 11 – 20, 22, and 23 above, and further in view of Yamashita et al. (US 6768558 B1).

17. **Regarding dependent claims 5 and 6**, neither Harned et al., Anuf et al. nor Ferrel et al. explicitly teach **separate databases**. However, Yamashita et al. teach that *storing format information and document contents in separate databases* (Column 9, line 67 – Column 10, line 1) and that *the document database 103 and the format database 104 may share the same database* (Column 10, line), which provide that **the content item and the formatting information are stored in separate databases** and that **the content items are stored in the same database as the formatting information**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Harned et al., Anuff et al., and Ferrel et al. with that of Yamashita et al. because such a combination would allow the users of the combined invention the benefit of *printed matter in which additional information may be invisibly embedded in a base pattern forming the ground pattern and which allows the invisible information to be made visible by putting on the base pattern an identification film or a reference pattern printed on a transparent film* (Column 2, lines 36 – 40).

18. **Regarding dependent claim 10**, Yamashita et al. teach that *the accepting apparatus 101, corresponding to a terminal in a network system, may be a computer* (Column 8, lines 33 – 35), which provide that **the content item editor is accessible through a personal wireless device**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Harned et al., Anuff et al., and Ferrel et al. with that of Yamashita et al. because such a combination would allow the users of the combined invention the benefit of *printed matter in which additional information may be invisibly embedded in a base pattern forming the ground pattern and which allows the invisible information to be made visible by putting on the base pattern an identification film or a reference pattern printed on a transparent film* (Column 2, lines 36 – 40).

19. **Regarding dependent claim 21**, the claim incorporates substantially similar subject matter as claim 10, and is rejected along the same rationale.

#### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1, 3 – 25, and 27 – 28 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
*8/18/2005*